

PATENT

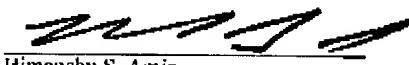
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to: 703-872-9306, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

6-3-04

Date:


Himanshu S. Amin

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): George Blankenship, *et al.*

Examiner: Matthew S. Gart

Serial No: 09/838,970

Art Unit: 3625

Filing Date: April 20, 2001

Title: SUPPLY CHAIN E-COMMERCE ENABLED BY POINT OF CONSUMPTION
MONITOR

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Dear Sir:

The undersigned, the inventors of the claimed invention of the subject patent application, declare and say as follows:

(1) We are the inventors of the claims of the above-identified patent application. This Declaration is submitted to establish conception of the invention described and claimed in the above-captioned application in the United States at a date prior to February 28, 2001, which is the effective date of Spear *et al.* (U.S. Patent

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6,486,439 B1) and to establish diligence from at least just prior to February 28, 2001 until constructive reduction to practice, April 20, 2001.

(2) To establish reduction to practice of the invention claimed in the above-identified application prior to February 28, 2001, copies of the relevant portions of an Invention Disclosure describing the invention are enclosed with this Declaration as Exhibit A. Conception and the written description of the invention contained in the Exhibit A were completed prior to February 28, 2001 in this country. Certain information, such as the actual dates and proprietary information, contained on the documents has been removed from the copies.

(3) Exhibit A, an Invention Disclosure, describes with words and drawings the invention captured by the claims. In particular, the Invention Disclosure indicates a system for managing welding consumable(s), comprising: a welder having a consumables monitor and a remote system adapted to facilitate management of welding consumable(s) for the welder based at least in part upon information received from the consumable(s) monitor. The drawing in Exhibit A shows the resultant system structure.

(4) In view of Exhibit A, it can be seen that the invention claimed in the present application was indeed conceived prior to February 28, 2001.

(5) Before April 20, 2001 and after the date of the Invention Disclosure (before February 28, 2001), discussions concerning the Invention Disclosure with the drafting attorney took place, as needed, for the purpose of ensuring the drafting attorney fully understood the contents of the Invention Disclosure.

(6) On or about March 10, 2001, I received a draft version of a patent application for the instant invention from the drafting attorney.

(7) On or about April 4, 2001, a finalized version of the patent application with formal papers was received.

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(8) Executed formal papers and the finalized patent application were returned to the drafting attorney on April 17, 2001.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

Respectfully submitted,


George D. Blankenship

6/1/04
Date


Christopher Hsu

6/01/04
Date